IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE C.N.RAMACHANDRAN NAIR

SATURDAY, THE 1ST DECEMBER 2007 / 10TH AGRAHAYANA 1929

OP.No. 29632 of 2001(C)

PETITIONER:

SIBI JOSE KATTAMKOTTIL,
SASIMALA.P.O., PULPPALLY,
WAYANAD DISTRICT.

BY ADV. SRI.JOHN VARGHESE
SRI.T.SAJI

RESPONDENTS:
---

1. STATE OF KERALA, REPRESENTED BY SECRETARY TO GOVERNMENT, LABOUR DEPARTMENT, SECRETARIAT, THIRUVANANTHAPURAM.

2. KOZHIKKODE DISTRICT EXECUTIVE OFFICER, KERALA MOTOR WORKERS' WELFARE FUND BOARD, KOZHIKKODE.

3. TAHSILDAR (REVENUE RECOVERY), AMBALAVAYAL, SULTAN BATTERY.

4. G.MOHAN, S/O. GANGADHARAN NAIR, PUTHUVILA KIZHAKKETHIL VEEDU, MEENAMBALAM, PUTHENKULAM.P.O., KOLLAM DISTRICT.

5. VILLAGE OFFICER, PADICHIRA, PULPPALLY, SULTAN BATTERY.

BY ADV. SRI.P.S.SREEDHARAN PILLAI, SCGSC
ADV. SMT.SMITHA SUKUMAR, GOVERNMENT PLEADER
SRI.P.RAMAKRISHNAN

THIS ORIGINAL PETITION HAVING BEEN FINALLY HEARD ON 01/12/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

O.P.NO. 29632/2001

ORDER ON CMP NO.48132/2001 IN O.P.NO. 29632/2001

DISMISSED.

01/12/2007 SD/-(C.N.RAMACHANDRAN NAIR, JUDGE)

APPENDIX

PETITIONER'S EXHIBITS

P1 : COPY OF THE REGISTRATION PARTICULARS OF VEHICLE NO.KEK 7536 DATED NIL.

P2 : COPY OF THE REGISTRATION PARTICULARS OF VEHICLE NO. KEK 7536 DATED NIL.

P3 : COPY OF THE REVENUE RECOVERY NOTICE DATED 18/07/2001 ISSUED BY THE 3RD RESPONDENT TO THE PETITIONER.

// TRUE COPY //

PA TO JUDGE.

jg

C.N.RAMACHANDRAN NAIR, J.

O.P. No. 29632 of 2001

Dated, this the 1st day of December, 2007

J U D G M E N T

Even though petitioner alleges demands on the ground that notices were not issued before finalization of adjudication proceedings, learned standing counsel for 2nd respondent submitted that petitioner has acknowledged receipt of notices for provisional adjudication and final determination order issued to him. In the circumstances, I do not find any justification to interfere with the matter. This original petition is, accordingly, closed leaving freedom to respondents 1 to 3 and 5 to proceed with recovery. However, if petitioner wants to dispute liability, petitioner can collect one more copy of the final determination order from 2nd respondent and file appeal after making full payment under protest and if appeal is filed before 31/03/2008 along with receipts of full payments made under protest, 2nd respondent should entertain the appeal as filed within time and dispose of the same on merits, after hearing the parties. If appeal is allowed eligible refund should be granted without any delay.

(C.N.RAMACHANDRAN NAIR, JUDGE.)

jg